



PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

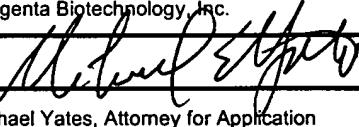
4

Application Number	10/800,161
Filing Date	March 12, 2004
First Named Inventor	CADE et al.
Art Unit	1638
Examiner Name	Anne R. Kubelik
Total Number of Pages in This Submission	4
Attorney Docket Number	31089USCIP

### ENCLOSURES (Check all that apply)

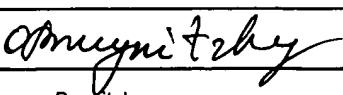
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return PostCard; 1 reference document; Form 1449; International Search Report
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Remarks
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Syngenta Biotechnology, Inc.		
Signature			
Printed name	Michael Yates, Attorney for Application		
Date	January 31, 2006	Reg. No.	36,063

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Oksana Buyntzky
Date	January 31, 06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Cade  
SERIAL NO.: 10/800,161  
FILING DATE: March 12, 2004  
TITLE: Inducible Promoters

ATTORNEY DOCKET NO.: 31089USCIP  
EXAMINER: Kubelik, Anne R.  
ART UNIT: 1638  
CONFIRMATION NO.: 9021

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the reference cited on the attached Form PTO-1449. The item listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and is made of record to assist the Patent and Trademark Office in its examination of this application.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

Copies of References A through H are not included since they were previously submitted with the parent application no. 09/733,685. Reference I was cited in the International Search Report for the corresponding International Application.

A copy of the International Search Report is also enclosed.

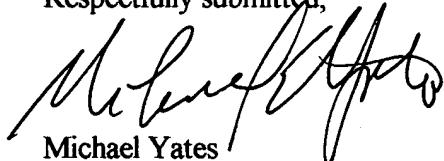
Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 form.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-1744 of Syngenta Biotechnology Inc.

Respectfully submitted,



Michael Yates  
Attorney for Applicant  
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Date: *January 31, 2006*

ATTY. DOCKET NO.  
31089USCIP  
APPLICATION NO.  
10/800,161  
APPLICANT  
LAWTON et al.  
FILING DATE:  
March 12, 2004

Confirmation No.  
9021  
Group  
1638



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A	5,614,395	3/25/97	Ryals et al.	435	172.3	1/13/94
B	5,792,904	8/11/98	Ryals et al.	800	200	5/16/96

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
C	WO 97/49822	12/31/97	WIPO			<input type="checkbox"/> <input checked="" type="checkbox"/>
D	WO 98/06748	2/19/98	WIPO			<input type="checkbox"/> <input checked="" type="checkbox"/>
E	WO 98/26082	6/18/98	WIPO			<input type="checkbox"/> <input checked="" type="checkbox"/>
F	WO 98/29537	7/9/98	WIPO			<input type="checkbox"/> <input checked="" type="checkbox"/>
G	WO 00/08186	2/17/00	WIPO			<input type="checkbox"/> <input checked="" type="checkbox"/>

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

K	Cao et al. <i>The Arabidopsis NPR1 Gene That Controls Systemic Acquired Resistance Encodes a Novel Protein Containing Ankyrin Repeats</i> <i>Cell</i> , Vol. 88, (1997), pp. 57-63
J	Horvath et al. <i>Four Classes of Salicylate-Induced Tobacco Genes</i> <i>The American Phytopathological Society</i> , Publication No. M-1998-0710-01R, MPMI 11(9): 895-905 (1998)
L	Ryals et al. <i>The Arabidopsis NIM1 Protein Shows Homology Mammalian Transcription Factor Inhibitor IκB</i> <i>The Plant Cell</i> , Vol. 9, (1997), pp. 425-439
M	Sato et al. <i>Gene sequence from Arabidopsis thaliana genomic DNA, chromosome 3, P1 clone: MPE11</i> GenBank Accession Number AB023041, (December 27, 2000)
H	Shoemaker et al. <i>Public Soybean EST Project</i> Genbank Accession No. AI461039, (June 22, 1998)
I	Shoemaker et al. <i>Public Soybean EST Project</i> Genbank Accession No. AI 495102, (June 5, 1998)

EXAMINER	DATE CONSIDERED

\*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.